

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

:
:
: MDL NO. 1456
:
: Master File No. 01-CV-12257-PBS
:
: Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

COUNTY OF SUFFOLK v. ABBOTT
LABORATORIES, INC. et al., Civil
Action No. 03-10643-PBS
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[PROPOSED] SCHEDULING ORDER

WHEREAS, plaintiff County of Suffolk filed this action in the United States District Court for the Eastern District of New York on January 14, 2003;

WHEREAS, the above captioned action was transferred to this Court by the Judicial Panel on Multidistrict Litigation in March 2003;

WHEREAS, no responsive pleadings have been filed in this action;

WHEREAS, plaintiff intends to file an amended complaint on or before August 1, 2003;

WHEREAS, the served defendants anticipate that they will move to dismiss the amended complaint;

WHEREAS, judicial economy would be best served if the served defendants are relieved from their obligation to answer the current complaint;

IT IS HEREBY ORDERED as follows:

1. The served defendants are relieved from their obligation to respond to the current complaint.
2. The served defendants shall file responsive pleadings or otherwise move against the amended complaint by September 15, 2003.

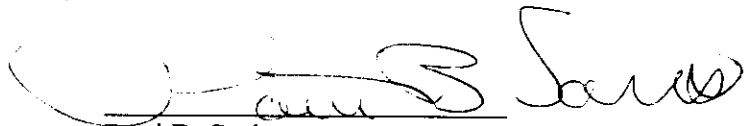
3. In the event that the served defendants move to dismiss the amended complaint, such defendants shall file one consolidated memorandum not to exceed forty (40) pages in total, addressing issues common to all defendants. In addition to the consolidated memorandum, any served defendant may file an individual supporting memorandum not to exceed five (5) pages addressing issues specific to that defendant.

4. Plaintiff shall file and serve its opposition to any responsive motion(s) by October 30, 2003. Plaintiff's opposition to all responsive motions shall not exceed sixty (60) pages in total.

4. The served defendants shall file and serve any replies by November 14, 2003. Any consolidated reply on issues common to all served defendants shall not exceed twenty (20) pages, and any replies by individual served defendants on issues specific to that defendant may not exceed three (3) pages.

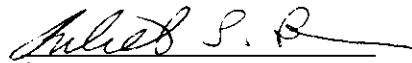
5. Plaintiff shall file and serve any surreply by December 1, 2003. Plaintiff's surreply shall not exceed forty (40) pages in total.

Dated: July 20, 2003


Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I certify that on July 16, 2003, a true and correct copy of the foregoing Joint Motion for Entry of Scheduling Order was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

A handwritten signature in cursive script, reading "Juliet S. Sorensen", written over a horizontal line.

Juliet S. Sorensen